

Before the State of South Carolina  
Department of Insurance

In the matter of:	)	Consent Order
	)	Imposing Administrative Fine
Tricia M. White,	)	
	)	Investigation File Number
3871 Northside Drive, #B2	)	101007
Macon, Georgia 31210.	)	

This matter comes before me pursuant to an agreement entered into between the State of South Carolina Department of Insurance and Tricia M. White, a licensed State of South Carolina nonresident insurance adjuster.


The Department received evidence that White moved and failed to notify the South Carolina Department of Insurance of the change in her address as required by S.C. Code Ann. Section 38-47-15 (Supp. 1999). This section reads, "When an individual applies for an adjuster's license he shall supply the department his business and residence address. The adjuster shall notify the department within thirty days of any change in these addresses." A violation of S.C. Code Ann. Section 38-47-15 (Supp. 1999) can ultimately lead to the revocation of White's adjuster's license in South Carolina following a public hearing at the Administrative Law Judge Division.

Administrative proceeding were initiated by the Department against her, but prior to a final hearing before the Administrative Law Judge Division, White and the Department agreed to submit the entire matter to me, along with their specific recommendation, for my summary decision, and to withdraw their request for a formal public hearing. The consensual recommendation was that White would immediately pay an administrative fine in the total amount of \$250.

S.C. Code Ann. Section 38-47-70 (Supp. 1999) states, "When the director or his designee determines that there has been a violation of this title by an adjuster, upon ten days' notice, he may impose the penalties provided in Section 38-2-10." Section 38-2-10 (2) provides that the director or his designee shall fine a violator up to \$2,500 or shall suspend or revoke his license.

After a thorough review of the record, carefully considering the recommendation of the parties, and pursuant to my findings of fact, I hereby conclude as a matter of law, that White has violated S.C. Code Ann. Section 38-47-15 (Supp. 1999). Therefore, I hereby invoke the discretionary authority given to me and impose against White an administrative fine in the total amount of \$250. That fine must be paid within ten days of the date of my signature upon this Consent Order. If that total fine amount is not timely paid, her nonresident insurance adjuster's license will be revoked without any further disciplinary proceedings.

This administrative penalty has been reached by the parties as a result of negotiation and compromise, and in consideration of White's assurance that in the future she will comply with the

 Tricia M. White

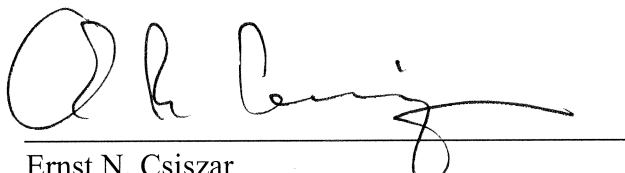
state's insurance laws, particularly that of timely notifying the Department of any changes in her business or personal addresses.

By her signature upon this Consent Order, White acknowledges that she understands that this administrative order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991, as amended). Nothing contained within this administrative order should be construed to limit, or to deprive any person of, any private right of action under the law. Nothing contained within this administrative order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement officer or judicial officer. Nothing contained in this administrative order should be construed to limit the statutory duty, pursuant to S.C. Code Ann. § 38-3-110 (4) (Supp. 1999), of the Director of Insurance, exercised either directly or through the Department of Insurance to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the laws relative to the business of insurance or the provisions of this title which he considers necessary to report."

It is, therefore, ordered that White shall, within ten days of the date of my signature on this Consent Order, pay through the State of South Carolina Department of Insurance, an administrative fine in the total amount of \$250.


It is further ordered that a copy of this Consent Order be immediately transmitted to the National Association of Insurance Commissioners for distribution to its member states.

This Consent Order becomes effective as of the date of my signature below.

  
Ernst N. Csiszar  
Director

March 3, 2000 at  
Columbia, South Carolina

I CONSENT:

  
Tricia M. White  
3871 Northside Drive, #B2  
Macon, Georgia 31210

Dated this 28th day of February, 2000